

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Civil Minutes

Date: June 20, 2019

Judge: Hon. James Donato

Time: 23 Minutes

Case No. **C-19-00371-JD**

Case Name **Brown et al v. Sharp Electronics Corporation**

Attorney(s) for Plaintiff(s): Harper Segui/Lisa White

Attorney(s) for Defendant(s): Brian O'Donnell/Maura Smith/Collin Chandler

Deputy Clerk: Lisa R. Clark

Court Reporter: Katherine Sullivan

PROCEEDINGS

Initial Case Management Conference - Held

Motion to Dismiss - Held

Motion to Stay - Held

NOTES AND ORDERS

The Court hears argument on defendant's motion to dismiss. Dkt No. 25.

Plaintiffs' fourth claim for relief is dismissed because unjust enrichment is a remedy. For the reasons set forth on the record, the remainder of defendant's motion to dismiss is denied.

Defendant's motion to dismiss for lack of standing as to the unpurchased products is denied. The products are plausibly alleged to be substantially similar as to the alleged defective component. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007); *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). Defendant's contentions may be more appropriately raised at the class certification stage or other motion upon further development of the factual record.

Plaintiff's tort claims are sufficiently plead at this stage under *Twombly* and *Iqbal*. Plaintiff's fraud-based claims are also sufficiently plead under *Twombly*, *Iqbal* and Federal Rule of Civil Procedure 9. Upon further development of the factual record, defendant may renew its arguments through a proper motion.

The Court denies defendant's motion to stay discovery. Dkt. No. 27. Discovery will not be bifurcated.

The Court conducts an initial case management conference. The parties are ordered to meet and confer and propose a plan coordinating discovery and case management with the related cases in the Middle District of Georgia, *Lammey v. Sharp Electronics Corporation*, 3:19-cv-0048-CAR, and the soon-to-be refiled case in the Southern District of New York. The Court advises the parties to consider efficiency, be cost-effective, and conserve scarce judicial resources when crafting this proposal. The parties are ordered to file this proposed plan by July 25, 2019. The Court sets a status conference for August 1, 2019, at 10:00 a.m. Discovery and initial disclosures are stayed pending the Court's approval of this plan.